

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re:

BUFFETS HOLDINGS, INC., *et al.*

Chapter 11

Case No.: 08-10141 (MFW)

Jointly Administered

ALABAMA POWER COMPANY,

Appellant,

Case No.: 1:08-CV-00188-UNA

Y.

BUFFETS HOLDINGS, INC., *et al.*

Appellees.

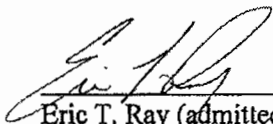
STIPULATION OF DISMISSAL

WHEREAS, on March 7, 2008, Alabama Power Company (“APCO”) filed a notice of appeal of the Final Order Pursuant to Section 366 of the Bankruptcy Code (I) Prohibiting Utility Companies from Altering, Refusing or Discontinuing Utility Services, (II) Deeming Utility Companies Adequately Assured of Future Performance, and (III) Establishing Procedures for Determining Adequate Assurance of Payment issued by the United States Bankruptcy Court for the District of Delaware; and

WHEREAS, the issues on appeal have been resolved and APCO has agreed to dismiss the above-styled appeal with prejudice.

NOW THEREFORE, the parties hereby stipulate, by and through undersigned counsel, that the appeal in Case No. 1-08-cv-00188-UNA shall be dismissed with prejudice, with each party to bear its own costs and attorney fees.

Dated: June 30, 2008

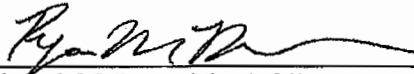


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- and -

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Counsel to the Debtors

IT IS SO ORDERED this ____ day of July, 2008.

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I, William A. Hazeltine, do hereby certify I am not less than 18 years of age and that on this 30th day of June 2008, I caused a copy of the within *Stipulation of Dismissal* to be served upon the parties on the listed below via U.S. Mail, First Class, Postage Pre-Paid.

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Under penalty of perjury, I declare that the foregoing is true and correct.

June 30, 2008
Date

/s/ William A. Hazeltine
William A. Hazeltine